

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

**NOTICE OF INTENTION TO FINE UNDER SECTION 274D
OF THE IMMIGRATION AND NATIONALITY ACT**

United States of America

Office Address: 500-12th St. SW, Mailstop-5202, Rm.11078
Washington, DC 20536

File Number: [REDACTED]

Penalty Tracking Number: [REDACTED]

In the matter of (Respondent): Edith Espinal-Moreno

Address (Street Number and Name, City, State, and Zip Code):

c/o Lizbeth Mateo P.C., [REDACTED]
[REDACTED]

Upon inquiry conducted by U.S. Immigration and Customs Enforcement (ICE), it is alleged that:

- On 10/28/2016, an authorized Department of Homeland Security Immigration Officer, an Immigration Judge or the Board of Immigration Appeals issued you a Final Administrative Removal Order.
- On 09/25/2017, you were required by ICE to present your departure itinerary to the ICE Office in Detroit. On that date, you presented ICE with evidence that you would depart the U.S. on 10/10/2017.
- On 10/10/2017, you failed to depart the U.S. as previously agreed during your 09/25/2017 appointment with ICE.
- On 02/23/2018, you cut and removed your ICE-GPS tracking device. On 2/27/2018, you were notified by ICE to report to the ICE Office - Columbus, Ohio, on 3/20/2018. However, you failed to report as instructed.
- At the time of the alleged violation(s) you remained subject to the final order of removal.
- You willfully failed or refused to depart the United States within the time period specified;
 - willfully failed or refused to make timely application in good faith for travel or other documents;
 - willfully failed or refused to present yourself for removal at time and place required by the Secretary of Homeland Security;
 - connived or conspired, or took any other action, designed to prevent or hamper or with purpose of preventing or hampering your departure.
- At the time of the issuance of this Notice you remain subject to the final order of removal.

Upon the basis of the foregoing allegations, it is charged that you are in violation of the following provision(s) of law: **Section 274D of the Immigration and Nationality Act.**

Wherefore, pursuant to Section 274D of the Immigration and Nationality Act and Section 280 of title 8, it is the intention of ICE to **order you to pay a fine in the amount of \$497,777.00**.



Signature of Issuing Officer

Lisa Hoechst

Name of Issuing Officer

Enforcement Program Manager

Title of Issuing Officer

06/25/2019

Date

J 2713 Gellert

Digitally signed by J 2713 Gellert
Date: 2019.06.25 16:45:07 -04'00'

Signature of Reviewing Officer

J 2713 Gellert

Name of Reviewing Officer

Unit Chief

Title of Reviewing Officer

06/25/2019

Date

I. You have the right to contest this Notice..If you desire to contest this Notice, you must:

1. Within 30 days from the service of this Notice, submit a written defense in duplicate, under oath, with documentary evidence setting forth the reasons why a civil penalty should not be imposed; AND
2. State whether a personal interview is requested; AND
3. Submit your written materials contesting this Notice and any request for a personal interview, in person or by certified mail to the following address:

Attn: Civil Fines

U.S. Immigration & Customs Enforcement
500-12th St. SW, Mailstop-5202, Room 11078
Washington, DC 20536

You may file a request for an extension to respond to this Notice. The extension request cannot be for more than 30 days. You must file the request for an extension either in person or by certified mail to the address contained in Section I. You must set forth the reasons for your request, and an extension will only be granted upon good cause being shown. You may request a personal appearance before the Issuing Officer named above, or with any immigration officer at this location. The appearance will be conducted pursuant to 8 C.F.R. § 280.13(b). You have the right to file a Motion to Reopen or a Motion to Reconsider an ICE order imposing a fine to the United States Department of Justice, Board of Immigration Appeals. If you file a motion to the Board of Immigration Appeals, an immigration officer may reopen or reconsider the initial ICE decision regarding this civil fine.

- II. If a written request for a personal interview or a written defense to this Notice is not received by the deadline to respond, the ICE Deciding Official will enter an order in the case and no appeal may be taken from this decision.
- III. If you request a personal interview, the interview will be conducted pursuant to 8 C.F.R. § 280.13(b). Any evidence in opposition to the imposition of the fine may also be presented at the personal interview.
- IV. After the conclusion of the personal interview or review of your written defense, if no personal interview is requested, the Issuing Officer will prepare a report for the ICE Deciding Official summarizing the evidence and his or her recommendation. The ICE Deciding Official will issue a written decision to you by mail.
- V. The ICE Deciding Official's decision can be appealed to the Board of Immigration Appeals as provided in Code of Federal Regulations, Title 8, Part 1003. The appeal must be filed with the ICE Deciding Official to the address contained in Section I within 30 days of service of the written decision.
- VI. You have a right to representation by counsel of your choice at no expense to the U.S. Government.
- VII. Any statement given may be used against you in these proceedings.